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of section 204, shall include an adopted child and a natural child shall not include a stepchild. **LEGIB**

## II. Change to Civil Service Retirement Law and Proposed Change to Comparable Provisions in CIA Retirement Law

That Section 8341(a) is amended by striking out "and" at the end of paragraph (2) and inserting the following new paragraph: "(3) 'dependent', in the case of any child, means that the employee or Member involved was, at the time of the employee or Member's death, either living with or contributing to the support of such child, as determined in accordance with such regulations as the Office of Personnel Management shall prescribe; and redesignate paragraph (3) as paragraph (4).

Paragraph (4), as redesignated, will read as follows:

(4) "child" means --

(A) an unmarried dependent child under 18 years of age, including (i) an adopted child, and (ii) a stepchild but only if the step-child lived with the employee or Member in a regular parent-child relationship, and (iii) a recognized natural child, and (iv) a child who lived with and for whom a petition of adoption was filed by an employee or Member, and who is adopted by the surviving spouse of the employee or Member after his death;

(B) such unmarried dependent child regardless of age who is incapable of self-support because of mental or physical disability incurred before age 18; or

(C) such unmarried dependent child between 18 and 22 years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocation institute, junior college, college, university, or comparable recognized educational institution.

Section 204. (3) is amended to read as follows:

(3) "Child," for the purpose of sections 221 and 232 of this Act, means an unmarried dependent child, including (i) an adopted child or a child who lived with and for whom a petition for adoption was filed by a participant and who is adopted by the surviving spouse after the participant's death, and (ii) a stepchild, but only if the stepchild lived with the participant in a regular parent-child relationship, and (iii) a recognized natural child, under the age of eighteen years, or such unmarried dependent child regardless of age who because of physical or mental disability incurred before age eighteen is incapable of self-support, or such unmarried dependent child between eighteen and twenty-two years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. A child whose twenty-second birthday occurs prior to July 1 or after August 31 of any calendar year, and while he is regularly pursuing a course of study or training, shall be deemed for the purpose of this paragraph and section 221(e) of this Act to have attained the age of twenty-two on the first day of July following such birthday. A child who is a student shall not be deemed to have ceased to be a student during any interim school years if the interim does not exceed five months and if he shows to the satisfaction of the Director that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately following the interim. The term "child," for

purposes of section 241, shall include an adopted child and a natural child but shall not include a stepchild. "Dependent," in the case of any child, means that the participant involved was, at the time of the participant's death, either living with or contributing to the support of such child, as determined in accordance with such regulations as the Director shall prescribe.

*Submitted by  
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ATINTL



- a. Policy - The Agency will conduct a continuing program to administer the CIA Retirement and Disability System in accordance with the provisions of PL 88-643 and ensure maximum effectiveness in the designation of employees as participants, in the retirement processing of participants, and the handling of retirees and survivors within the provisions of the law and this regulation.

WHENEVER WE SAY FORMER SPOUSE WE MEAN SOMEONE WHO MEETS ALL THE FOUR CRITERIA LISTED ABOVE. IF YOU HAVE A FORMER SPOUSE, HE OR SHE NEED NOT BE CONSULTED BEFORE YOU WITHDRAW YOUR LUMP-SUM CONTRIBUTION BUT YOUR FORMER SPOUSE IS ENTITLED TO RECEIVE A PROPORTIONAL SHARE OF THAT LUMP-SUM PAYMENT UNLESS A COURT ORDER OR SPOUSAL AGREEMENT EXPRESSLY PROVIDES OTHERWISE. IF YOUR FORMER SPOUSE WAS MARRIED TO YOU DURING THE ENTIRE PERIOD OF YOUR FEDERAL SERVICE, HE OR SHE WOULD RECEIVE HALF OF THE LUMP-SUM PAYMENT. IF THE MARRIAGE LASTED FOR ONLY PART OF YOUR PERIOD OF FEDERAL SERVICE, HE OR SHE WOULD RECEIVE PROPORTIONATELY LESS. FOR INSTANCE, IF YOU HAD 15 YEARS FEDERAL SERVICE AND WERE MARRIED FOR TEN OF THOSE YEARS, YOUR FORMER SPOUSE WOULD ONLY RECEIVE 2/3 OF 50% OF THE LUMP-SUM PAYMENT.

## SURVIVOR ANNUITY

QUESTION 7. IF I RETIRE FROM  DO I HAVE TO PROVIDE A SURVIVOR ANNUITY FOR MY CURRENT SPOUSE? 25X1A

ANSWER: YES. IT IS NOW MANDATORY THAT YOU RECEIVE A REDUCED ANNUITY IN ORDER TO PROVIDE THE MAXIMUM SURVIVOR ANNUITY FOR A CURRENT SPOUSE (55% OF YOUR BASIC ANNUITY). THE ONLY EXCEPTION IS IF YOUR SPOUSE AGREES IN WRITING TO ACCEPT A LESSER SURVIVOR ANNUITY OR NONE AT ALL.

QUESTION 8. IF I RETIRE UNDER CIVIL SERVICE, DO I HAVE TO PROVIDE A SURVIVOR ANNUITY FOR MY CURRENT SPOUSE?

ANSWER: IF YOU HAVE FIVE YEARS OF SERVICE WITH  OUTSIDE THE 25X1A  
UNITED STATES, THERE WILL BE AN AUTOMATIC REDUCTION IN YOUR  
ANNUITY TO PROVIDE THE MAXIMUM SURVIVOR ANNUITY FOR YOUR  
CURRENT SPOUSE, JUST AS IF YOU WERE IN  25X1A  
IF YOU DO NOT HAVE THIS SERVICE, YOU ARE NOT REQUIRED TO  
PROVIDE A SURVIVOR BENEFIT FOR YOUR CURRENT SPOUSE. BUT IF YOU  
DO NOT PROVIDE THE MAXIMUM SURVIVOR BENEFIT, THE OFFICE OF  
PERSONNEL MANAGEMENT REQUIRES THAT YOUR SPOUSE BE NOTIFIED OF  
THIS FACT AND SIGN AN ACKNOWLEDGMENT.

QUESTION 9. IF I RETIRE UNDER EITHER  OR THE CIVIL SERVICE 25X1A  
RETIREMENT SYSTEM, HAVE AN EX-SPOUSE, BUT AM NOT CURRENTLY  
MARRIED, DO I HAVE TO PROVIDE A SURVIVOR ANNUITY FOR MY  
EX-SPOUSE?

ANSWER: IF YOUR EX-SPOUSE QUALIFIES AS A FORMER SPOUSE (SEE QUESTION  
4), HE OR SHE IS AUTOMATICALLY ENTITLED TO RECEIVE A SURVIVOR  
BENEFIT AND YOUR ANNUITY WILL BE REDUCED ACCORDINGLY. THE ONLY  
EXCEPTION WOULD BE IF A COURT ORDER OR SPOUSAL AGREEMENT  
PROVIDED OTHERWISE.

QUESTION 10. HOW IS THE SURVIVOR ANNUITY DIVIDED IF I HAVE MORE THAN ONE  
FORMER SPOUSE?

ANSWER: YOUR FORMER SPOUSES WILL SHARE THE SURVIVOR ANNUITY BASED UPON  
THE LENGTH OF TIME THEY WERE MARRIED TO YOU DURING YOUR  
 SERVICE.

QUESTION 11. HOW IS THE SURVIVOR ANNUITY DIVIDED IF I HAVE A CURRENT SPOUSE AND ONE OR MORE FORMER SPOUSES?

ANSWER: YOUR ANNUITY WOULD BE REDUCED TO PROVIDE A SURVIVOR ANNUITY. UPON YOUR DEATH, THE SHARE OWED TO YOUR FORMER SPOUSE(S) WILL BE PAID AND WHATEVER PORTION REMAINS WILL GO TO YOUR CURRENT SPOUSE.

? - EXAMPLE A. YOU HAVE WORKED FOR THE FEDERAL GOVERNMENT FOR 30 YEARS. DURING THESE 30 YEARS YOU WERE MARRIED TO YOUR FIRST SPOUSE FOR 15 YEARS, TO YOUR SECOND SPOUSE FOR 10 YEARS, AND TO YOUR CURRENT SPOUSE FOR FIVE YEARS. THE SURVIVOR ANNUITY WHICH IS 55 PERCENT OF YOUR ANNUITY, WOULD BE DIVIDED AS FOLLOWS:  
? YOUR FIRST SPOUSE WOULD RECEIVE  $1/2$  (15 DIVIDED BY 30); YOUR  
? SECOND SPOUSE WOULD RECEIVE  $1/3$  (10 DIVIDED BY 30); AND YOUR CURRENT SPOUSE WOULD RECEIVE WHATEVER PORTION REMAINS ( $1/6$  IN THIS EXAMPLE).

EXAMPLE B. YOU RETIRE AFTER 30 YEARS OF FEDERAL SERVICE. DURING THAT PERIOD YOU WERE MARRIED TO YOUR FIRST SPOUSE FOR 10 YEARS, YOU WERE DIVORCED AND REMAINED UNMARRIED FOR 15 YEARS, AND THEN WERE MARRIED TO YOUR CURRENT SPOUSE FOR FIVE YEARS. THE SURVIVOR ANNUITY WOULD BE DIVIDED AS FOLLOWS:  
? YOUR FORMER SPOUSE WOULD RECEIVE  $1/3$  (10 DIVIDED BY 30); AND YOUR CURRENT SPOUSE WOULD RECEIVE WHATEVER PORTION REMAINS ( $2/3$  IN THIS EXAMPLE).

QUESTION 12. IS MY RETIREMENT ANNUITY REDUCED MORE IF I HAVE BOTH A FORMER SPOUSE AND A CURRENT SPOUSE?

ANSWER: NO. THE REDUCTION WILL BE THE SAME REGARDLESS OF HOW MANY BENEFICIARIES SHARE THE SURVIVOR ANNUITY.

QUESTION 13. IF MY FORMER SPOUSE REMARRIES, IS THERE AN ENTITLEMENT TO A SURVIVOR ANNUITY?

ANSWER: IF A FORMER SPOUSE REMARRIES BEFORE REACHING AGE 60 AND BEFORE THE SURVIVOR ANNUITY COMMENCES, THE RIGHT TO AN ANNUITY IS LOST FOREVER. IF YOUR FORMER SPOUSE REMARRIES BEFORE AGE 60 AND WAS RECEIVING A SURVIVOR ANNUITY, THIS ANNUITY CEASES DURING THE PERIOD OF THAT MARRIAGE; BUT IF THAT MARRIAGE IS DISSOLVED, THE SURVIVOR ANNUITY WILL BE RESTORED, SUBJECT TO CERTAIN TECHNICAL CONDITIONS. IF YOUR FORMER SPOUSE REMARRIES AFTER AGE 60, THE ANNUITY WILL NOT CEASE.

RETIREMENT ANNUITY

25X1A QUESTION 14. IF I RETIRE FROM  WILL MY CURRENT SPOUSE RECEIVE A SEPARATE SHARE OF MY RETIREMENT ANNUITY?

ANSWER: NO

QUESTION 15. IF I HAVE A FORMER SPOUSE WHEN I RETIRE, DOES THAT FORMER SPOUSE RECEIVE A SEPARATE SHARE OF MY RETIREMENT ANNUITY?

ANSWER: YES, UNLESS YOUR FORMER SPOUSE HAD WAIVED THIS ENTITLEMENT OR A DIVORCE COURT HAD EXPRESSLY ORDERED OTHERWISE.

QUESTION 16. HOW MUCH OF MY ANNUITY WOULD MY FORMER SPOUSE RECEIVE?

ANSWER: UNLESS THE SPOUSAL AGREEMENT OR THE COURT PROVIDES A GREATER OR LESSER AMOUNT, THE LAW SPECIFIES THAT UP TO 50% OF YOUR ANNUITY WILL GO TO YOUR FORMER SPOUSE OR SPOUSES. THE EXACT AMOUNT THAT EACH FORMER SPOUSE WILL RECEIVE DEPENDS UPON THE LENGTH OF TIME THAT FORMER SPOUSE WAS MARRIED TO YOU DURING YOUR FEDERAL SERVICE.

EXAMPLE A: YOUR FORMER SPOUSE WAS MARRIED TO YOU FOR THE ENTIRE PERIOD OF YOUR FEDERAL SERVICE, THAT SPOUSE WOULD RECEIVE A FULL 50% OF YOUR RETIREMENT ANNUITY.

EXAMPLE B: YOUR FORMER SPOUSE WAS MARRIED TO YOU FOR 10 OF THE 30 YEARS OF YOUR FEDERAL SERVICE; HE OR SHE WOULD RECEIVE 1/3 OF 50% (10 DIVIDED BY 30).

#### DIVORCE AND SEPARATION

QUESTION 17. CAN THE RIGHTS PROVIDED BY THE LAW FOR A FORMER SPOUSE BE ALLOCATED DIFFERENTLY BY A SEPARATION AGREEMENT OR BY A DIVORCE DECREE?

ANSWER: YES, UNDER THE LAW, A SPOUSE OR FORMER SPOUSE CAN AGREE TO A CHANGE IN THE ALLOCATION OF THE BENEFITS WHICH ARE PROVIDED BY LAW.



QUESTION 18. IF A FORMER SPOUSE SEEKS TO OBTAIN THE ANNUITY OR SURVIVOR BENEFITS PROVIDED BY LAW, IS THERE ANYTHING I CAN DO TO SEEK A REDUCTION IN SUCH BENEFITS?

ANSWER: YOUR ATTORNEY CAN MAKE ANY APPROPRIATE ARGUMENTS TO THE COURT AS TO WHAT THE DIVORCE DECREE SHOULD INCLUDE AND THE COURT MAY REDUCE THE BENEFITS PROVIDED BY LAW.

QUESTION 19. IF A FORMER SPOUSE IS NOT SATISFIED WITH THE BENEFITS PROVIDED BY LAW, CAN HE OR SHE SEEK AN INCREASE?

ANSWER: IN THE SAME WAY THAT THE EMPLOYEE CAN SEEK TO HAVE THE COURT ADJUST BENEFITS DOWNWARD, A FORMER SPOUSE CAN MAKE ARGUMENTS TO THE COURT TO ADJUST BENEFITS UPWARD.

QUESTION 20. IF I HAVE ADDITIONAL QUESTIONS, WHERE CAN I GET MORE INFORMATION?

ANSWER: QUERY THE RETIREMENT DIVISION AT HEADQUARTERS.